

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

VERINATA HEALTH, INC., et al.,  
Plaintiffs,

V.

ARIOSA DIAGNOSTICS, INC, et al.,  
Defendants.

Case No. 12-cv-05501-SI

## **ORDER RE: DISCOVERY**

Re: Dkt. No. 360

On April 11, 2017, the Court ordered Illumina to file proof substantiating claims of attorney-client privilege as to certain documents. Dkt. No. 366. Ten days later, Illumina filed a declaration to substantiate these privilege log entries. Dkt. No. 370. Ariosa filed a response on April 26. Dkt. No. 372. In its response, Ariosa identified five entries for which it believes Illumina failed to establish privilege – Entries 611, 616, 634, 2820, and 2821. *Id.* at 1. In general, Illumina asserts that these documents are privileged because they contain, discuss, or attach invention disclosures that were “made for the purpose of seeking legal advice” either from Illumina in-house counsel or outside prosecution counsel. Given the vague and conclusory assertions of privilege in Illumina’s supporting declaration, the Court will conduct an in-camera review of these five items to assess privilege. *See Apple Inc. v. Samsung Elecs. Co, Ltd.*, 306 F.R.D. 234, 237-38 (N.D. Cal. 2015) (citation omitted) (“In camera review, often a court’s last resort, [] may enlighten the court’s assessment of the privilege of the documents.”). Accordingly, Illumina is hereby ORDERED to produce the documents for in-camera review within ten days of the date of this order.

## IT IS SO ORDERED.

Dated: May 16, 2017

Susan Illston  
SUSAN ILLSTON  
United States District Judge